



# FINLAND

SUBMISSION TO THE UNITED NATIONS HUMAN RIGHTS COMMITTEE  
130<sup>TH</sup> SESSION, 12 OCTOBER- 6 NOVEMBER 2020

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# 1. INTRODUCTION

Amnesty International submits this briefing to the United Nations (UN) Human Rights Committee (the Committee) ahead of its examination of the seventh periodic report of Finland at its 130<sup>th</sup> session in October 2020.

In particular, the submission provides information on discrimination on the grounds of gender identity and intersex status, violence against women, including forced marriage and human trafficking, use of force by law enforcement officials, detention of asylum seekers and migrants, treatment of aliens, access to justice for aliens and non-refoulement, counter-terrorism, communications surveillance, conscientious objectors and Indigenous peoples.

## 2. DISCRIMINATION ON THE GROUNDS OF GENDER IDENTITY AND INTERSEX STATUS (ARTS. 2, 7, 9, 17, 24 AND 26 AND QUESTIONS 8-9)

### 2.1 LEGAL GENDER RECOGNITION AND DISCRIMINATION

The procedure to obtain legal gender recognition is invasive of privacy and excessively long, taking up to 3 years.<sup>1</sup> According to the Trans Act,<sup>2</sup> the applicant must be diagnosed with 'transsexualism'<sup>3</sup> and be sterilized or for some other reason infertile. These prerequisites and the length of the process violate transgender people's rights to personal integrity and to private and family life. As long as the gender markers on identity documents do not reflect a trans person's identity, they risk discrimination and harassment every time they must show these documents.

The Government has committed to reforming the Trans Act. In February 2020, a working group published its evaluation of reform options but there has been no progress since. Amnesty International is concerned that Covid-19 pandemic and competing priorities at the Ministry of Social Affairs and Health will result in an indefinite postponement of this reform. The Government Programme also specifies that legal gender recognition will continue to only be available to adults. This violates the right to privacy of transgender children and youth and exposes them to discrimination, harassment and violence.

Transgender individuals and intersex children face widespread discrimination, including in public service provision. Most instances go unreported.<sup>4</sup>

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<sup>1</sup> Amnesty International: *The state decides who I am* (Index: EUR 01/001/2014), 4 February 2014, [www.amnesty.org/en/documents/EUR01/001/2014/en/](http://www.amnesty.org/en/documents/EUR01/001/2014/en/)

<sup>2</sup> Act on the legal gender recognition of transsexuals 2002, unofficial and partly outdated English translation available at <http://www.finlex.fi/fi/laki/kaannokset/2002/en20020563.pdf>; up-to-date Finnish version available at <https://www.finlex.fi/fi/laki/ajantasa/2002/20020563>.

<sup>3</sup> This diagnosis is made under the WHO's outdated International Classification of Diseases 10th edition. Under the law, the person must "present a medical statement certifying that he or she permanently identifies with the opposite gender and lives in that gender role".

<sup>4</sup> Survey on hate speech and harassment and their influence on different minority groups, 3 March 2016. Available at: <http://urn.fi/URN:ISBN:978-952-259-496-9>. Language Finnish, summary in English. Cf Report by Seta on the rights and wellbeing of trans- and intersex children, 24.4.2018. Only available in Finnish. [https://www.dropbox.com/sh/copnqdn4ckhlbj3/AAC4tY4hyQ2AZng57nCnrgFa?dl=0&preview=Moninaiset\\_lapsemme\\_2018.pdf](https://www.dropbox.com/sh/copnqdn4ckhlbj3/AAC4tY4hyQ2AZng57nCnrgFa?dl=0&preview=Moninaiset_lapsemme_2018.pdf)

According to the School Health Promotion study, 15-25% of children aged 13-16 who identified as LGBTI reported being bullied at school weekly. 23-26% of these respondents had been subjected to physical violence and 40-45% to psychological violence by their parents or caregivers. 41-46% had experienced sexual harassment. For respondents who did not identify as LGBTI, the corresponding figures were much lower.<sup>5</sup>

## 2.2 HEALTHCARE FOR TRANSGENDER AND GENDER NON-BINARY INDIVIDUALS

There have been severe delays in access to specialist medical evaluation and treatment at a trans clinic.<sup>6</sup> The Parliamentary Ombudsman has given two non-binding decisions about violations of national law and the constitutional right to adequate health services, when access to medical evaluation for gender affirming treatment had been delayed by more than three months. The Ombudsman stated that insufficient resourcing and organizational factors could not justify the delay.<sup>7</sup>

The recommendations for the treatment of “gender dysphoria” resulting from transgender and non-binary identities (para 102 of the State report) continue to violate the rights of transpeople.<sup>8</sup> The recommendations are based on the WHO’s outdated International Classification of Diseases 10th edition (ICD-10), which classified the gender identities of transgender and non-binary individuals as ‘mental or behavioural disorders’, thus continuing to pathologize and stigmatize transgender and non-binary people.<sup>9</sup> In addition, the recommendations make access to specialist services more difficult, as they require that the “gender dysphoria” is major and long-lasting, and that psychological support is in place in a local healthcare unit before access to specialist services. Treatment will only be started when the “gender dysphoria” has lasted at least two years. These requirements form unreasonable barriers to access to gender affirming procedures and treatment. In addition, NGOs working on the rights of trans people have expressed concern that local healthcare units do not possess sufficient expertise to provide the required psychological support. According to the recommendation by Council for Choices in Health Care in Finland (COHERE Finland)<sup>10</sup> on “gender dysphoria resulting from non-binary gender identity”, certain types of treatment available to individuals would not be available to individuals that identify as non-binary. Gender affirming treatment should be rights-based and available for all transgender and non-binary individuals.

## 2.3 RIGHTS OF INTERSEX PEOPLE

Intersex children in Finland are routinely subjected to medical and surgical treatments to align their physical appearances with one of the binary sexes.<sup>11</sup> Operations are often done for social reasons rather than out of medical necessity. When performed without informed consent or adequate information, these surgeries violate people’s right to physical bodily integrity and may have long-term consequences on their right to health and their sexual and reproductive rights, particularly since they can severely impede people’s fertility.<sup>12</sup> A 2019 report (mentioned in paras 104 and 111 of the State report) cited intersex people who felt that they did not have enough information or choice in relation to medical interventions. In some cases, medical treatment had been undertaken without their consent. Negative consequences included physical pain, difficulties with mental health including self-harming, stigma and shame. According to the report some of the 12 respondents were subjected to “unwanted surgeries to modify sex characteristics in their childhood” and described the experience as sexual violence or sexual abuse. Even when experiences with healthcare services had been positive, respondents felt that they had not received enough information.<sup>13</sup> The Government Programme states that the self-determination of intersex children will be strengthened, and cosmetic, medically non-necessary surgeries will be discontinued. However, the practical measures that are to be put in place to fulfil these objectives are unclear.

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<sup>5</sup> For respondents who did not identify as LGBTI: bullying 6%, physical violence by parents or caregivers 12%, psychological violence by parents or caregivers 28%, sexual harassment 21%. Finnish Institute for Health and Welfare: <https://thl.fi/en/web/thlfi-en/research-and-expertwork/population-studies/school-health-promotion-study>. Main results (only in Finnish): <https://thl.fi/fi/tilastot-ja-data/tilastot-aiheittain/lapset-nuoret-ja-perheet/lasten-ja-nuorten-hyvinvointi-kouluterveyskysely-2019>

<sup>6</sup> The evaluation and treatment for gender dysphoria takes place in two specialist units located in Helsinki and Tampere.

<sup>7</sup> The first decision (EOAK/2842/2017 (24.10.2018)) concerned the trans clinic in Helsinki, the second decision (EOAK/501/2019 (April 2020)) concerned the trans clinic in Tampere. Both are available from the Parliamentary Ombudsman. The European Commission on Racism and Intolerance has recommended that a third transpolyclinic be established to accommodate the need for treatment. ECRI Report on Finland, fifth monitoring cycle, CRI(2019)38, adopted 18 June 2019, paras 102-103, <https://rm.coe.int/fifth-report-on-finland/1680972fa7>.

<sup>8</sup> The recommendations, adopted 11 June 2020, are available in Finnish from COHERE’s website: <https://palveluvalikoima.fi/valmiit-suositukset>.

<sup>9</sup> In the 11th edition of the ICD, transgender and non-binary identities have been depathologized. However, Finland has not yet adopted the ICD-11.

<sup>10</sup> (COHERE Finland) issues recommendations on what services should be delivered as public health provision. It is a permanent body appointed by the Government that works in conjunction with the Ministry of Social Affairs and Health. (only available in Finnish): <https://palveluvalikoima.fi/sukupuolidysforia-aikuiset-muunsukupuoliset>

<sup>11</sup> Wahlman-Calderaram, Tuula ja Halila, Ritva (2016): Intersukupuolisuus, Taustaraportti ETENE:n kannanottoon. Study available only in Finnish: <http://etene.fi/documents/1429646/2056382/IS-raportti20160331.pdf/58bf2412-48a9-4521-b5ae-81a3ee3bc07b>.

<sup>12</sup> <https://www.amnesty.org/en/latest/campaigns/2017/05/intersex-rights/>

<sup>13</sup> Oikarinen, Tikli (2019): No information or options: Study on the rights and experiences of intersex person. Independent expert report published by the Ministry of Justice and the Ministry of Foreign Affairs. The study included the experiences of 12 intersex individuals and 6 parents of intersex individuals. Abstract in English, full report in Finnish available at [http://julkaisut.valtioneuvosto.fi/bitstream/handle/10024/161410/OMSO\\_3\\_2019\\_Ei\\_tietoa\\_eika\\_vaihtoehtoja\\_.pdf](http://julkaisut.valtioneuvosto.fi/bitstream/handle/10024/161410/OMSO_3_2019_Ei_tietoa_eika_vaihtoehtoja_.pdf).

## RECOMMENDATIONS

Amnesty International recommends that Finnish authorities:

- Urgently reform the Trans Act to respect self-determination, also including and protecting the rights of children and youth.
- Ensure timely access to specialist medical evaluation and treatment for transgender and non-binary individuals.
- Develop a rights-based healthcare protocol for individuals with variations of sex characteristics to guarantee their bodily integrity, autonomy and self-determination and to ensure that no child is subjected to non-emergency, invasive and irreversible surgery or treatment with harmful effects.

# 3. VIOLENCE AGAINST WOMEN, INCLUDING DOMESTIC AND SEXUAL VIOLENCE (ARTICLES 2, 3, 6, 7 AND 26, QUESTION 11)

## 3.1 PREVALENCE, RESOURCING AND SUPPORT SERVICES

According to the most recent national crime victim survey (NCVS) available (2018), 5.1% of (or around 100,000) women had experienced physical or sexual violence by their partner or ex-partner in the last 12 months, compared to 3.6 % of men (these figures were similar in the NCVS's from 2013-2017). The prevalence of violence by other family members, friends or colleagues has remained around 5% in the time period from 2013 to 2018 and the prevalence of violence by an acquaintance or stranger has risen slightly from around 10% in 2013 to 12% in 2018 (these figures were similar for men). Women are about four times more likely than men to experience sexual violence.<sup>14</sup> Since 2011, the police have recorded around 10,000 crimes of domestic violence per year. The victim was a woman in around 70% of the cases.<sup>15</sup>

Despite a high prevalence of violence against women, funding to combat it remains inadequate. Even after significant increases in funding, by April 2020 Finland had only 211 family places in shelters, while the recommended number is 550.<sup>16</sup> Clients were referred to another shelter, potentially hundreds of kilometres away, due to lack of space 2,071 times in 2019.<sup>17</sup> According to the National Institute for Health and Welfare, the annual cost of a shelter network compatible with the recommendation is approximately 40 million euros.<sup>18</sup> Other types of services, such as early intervention and prevention services, peer support groups for victims of violence, programmes for perpetrators and outreach services as well as long-term services such as therapy, are completely lacking or systematically under-resourced and geographically unevenly distributed. An evaluation of an earlier action plan to reduce violence

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<sup>14</sup> National crime victim survey (2018), *Suomalaiset väkivallan ja omaisuusrikosten kohteena* [Finnish people's experiences of violence and property crimes] pp. 6 and 12-13. (Based on a random probability sample of 5510 respondents.) The data is comparable for the last six years. Available in Finnish: <https://bit.ly/2N17Rw2>. See also European Union agency for fundamental rights (2014): *Violence against women – an EU wide survey*: <https://bit.ly/3e7grp9>.

<sup>15</sup> Statistics Finland, [http://pxnet2.stat.fi/PXWeb/pxweb/fi/StatFin/StatFin\\_oik\\_rpk\\_uhri/statfin\\_rpk\\_pxt\\_11ch.px/](http://pxnet2.stat.fi/PXWeb/pxweb/fi/StatFin/StatFin_oik_rpk_uhri/statfin_rpk_pxt_11ch.px/)

<sup>16</sup> The Council of Europe recommends 1 family place per 10,000 inhabitants. See Explanatory Report to the Council of Europe Convention on preventing and combating violence against women and domestic violence, para 135: <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016800d383a>

<sup>17</sup> In 2019, 5,354 clients spent time in a shelter. National Institute for Health and Welfare (2020): *Turvakotipalvelut 2019* [Shelter services 2019]. <https://thl.fi/fi/tilastot-ja-data/tilastot-aiheittain/sosiaalipalvelut/turvakotipalvelut>

<sup>18</sup> A report on the current status of the shelter services and the need for development in Finland. *Selvitys turvakotipalvelujen nykytilasta ja tarpeesta*: <https://www.julkari.fi/bitstream/handle/10024/134562/Turvakotiselvitys%2015.8.2014%20Copy.pdf?sequence=1&isAllowed=y>

against women concluded that the plan was not fully implemented due to a lack of funds.<sup>19</sup> The planned programme for combating violence against women (para 123 of the State report) has been allocated only 400,000 euros per year.<sup>20</sup>

Combating violence against women as well as other gender inequality through action plans spanning three to four years means that the actions proposed or taken risk remaining short-term or one-off, without adequate follow up or long-term implementation. For example, the final report of the Government Action Plan for Gender Equality 2016-2019 stated that gender mainstreaming and the inclusion of gender perspectives into key projects and reforms failed.<sup>21</sup> The 46 actions of the Action Plan for the Istanbul Convention 2018-2021 lack ambition.<sup>22</sup> Women with disabilities, lesbians, transgender women, undocumented and nonregistered migrant women and women with a poor knowledge of the Finnish language face significant barriers in receiving support and accessing services. A focus on shelters and support services for victims of domestic violence risks excluding for example victims of trafficking and sexual violence.<sup>23</sup>

The granting of restraining orders and the surveillance of compliance needs significant reforms (see paras 133-134 of the State report). Statistics suggest that the number of applications for a restraining order has decreased since the introduction of a fee for unsuccessful applications.<sup>24</sup>

## RECOMMENDATIONS

Amnesty International recommends that the Finnish authorities:

- Provide appropriate funding for combatting violence against women so that a nationwide network of different types of services can be created and maintained.
- Ensure access to support services for women with disabilities, lesbians, transgender women, undocumented and nonregistered migrants, women with a poor knowledge of Finnish as well as other groups who currently face barriers in receiving support.
- Ensure that a revision of legislation and practice in relation to restraining orders is carried out so that the safety of victims of violence is improved and abolish the fee for unsuccessful applications.

## 3.2 LEGAL DEFINITION OF RAPE AND ACCESS TO JUSTICE FOR RAPE SURVIVORS

Rape continues to be defined through the physical violence used or threatened by the perpetrator or the helpless state of the victim rather than the lack of the victim's consent.<sup>25</sup> Situations where a person abuses a position of authority and commits sexual violence against a person towards whom they have a duty of care are defined as sexual abuse, not rape, and carry a lesser sentence.<sup>26</sup> Abusing a position of authority thus effectively plays out as a mitigating factor. A working group appointed by the Ministry of Justice published its recommendations for legal reform in July 2020<sup>27</sup> and proposed that rape should be defined as sexual intercourse with a person who does not participate voluntarily. However, abusing a position of authority would continue to be defined as sexual abuse, not rape. In addition, the sexual abuse of a child aged 12-15 would be defined as 'intercourse with a child' and carry a lower sentence when the child has initiated the sexual activity or when it cannot be proven that the perpetrator has urged, persuaded or coaxed the child into sexual intercourse.

Annually around 50,000 women in Finland experience sexual violence, but only around 1,500 sexual crimes against adult women are reported to the police. The attrition rate for sexual violence cases is very high: less than 10% of all rapes are reported to the police and

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19 Törmä, Sinikka ja Pentikäinen, Merja (2016): Tavoitteena naiseen kohdistuvasta väkivallasta ja perheväkivallasta vapaa Suomi (in Finnish): [http://julkaisut.valtioneuvosto.fi/bitstream/handle/10024/75030/Rap\\_ja\\_muist\\_2016\\_15\\_1.pdf?sequence=1](http://julkaisut.valtioneuvosto.fi/bitstream/handle/10024/75030/Rap_ja_muist_2016_15_1.pdf?sequence=1)

20 Press release by the Ministry of Justice, 29 Jan 2020 (in Finnish): [https://oikeusministerio.fi/artikkeli/-/asset\\_publisher/naisiin-kohdistuvan-vakivallan-torjumiseksi-laaditaan-ohjelma](https://oikeusministerio.fi/artikkeli/-/asset_publisher/naisiin-kohdistuvan-vakivallan-torjumiseksi-laaditaan-ohjelma)

21 Ministry of Social Affairs and Health (2019): Government Action Plan for Gender Equality 2016–2019. Final report, Reports and Memorandums of the Ministry of Social Affairs and Health 2019:19. Abstract in English, full report in Finnish:

[http://julkaisut.valtioneuvosto.fi/bitstream/handle/10024/161413/19\\_2019\\_Hallituksen%20tasa-arvo-ohjelma\\_loppuraportti\\_netti.pdf](http://julkaisut.valtioneuvosto.fi/bitstream/handle/10024/161413/19_2019_Hallituksen%20tasa-arvo-ohjelma_loppuraportti_netti.pdf)

22 Action Plan for the Istanbul Convention 2018-2021. Abstract in English, full action plan in Finnish:

[http://julkaisut.valtioneuvosto.fi/bitstream/handle/10024/160401/16\\_2017\\_Istanbulin%20sopimuksen%20tps%202018-21-suomi.pdf?sequence=1&isAllowed=y](http://julkaisut.valtioneuvosto.fi/bitstream/handle/10024/160401/16_2017_Istanbulin%20sopimuksen%20tps%202018-21-suomi.pdf?sequence=1&isAllowed=y)

23 Amnesty International's study on municipalities (2017) (in Finnish): <https://frantic.s3.amazonaws.com/amnesty-fi/2017/01/Amnestyn-kuntaselvitys-naisiin-kohdistuvasta-v%C3%A4kivallasta.pdf>. English summary available at [https://s3-eu-west-1.amazonaws.com/frantic/amnesty-fi/2020/06/26130941/Summary\\_AI-FI-Study-on-municipalities-2016.pdf](https://s3-eu-west-1.amazonaws.com/frantic/amnesty-fi/2020/06/26130941/Summary_AI-FI-Study-on-municipalities-2016.pdf).

24 Table 1 on page 14 of a report on restraining orders by the Ministry of Justice. Arviomuistio lähestymiskiellon valvonnan tehostamiseksi (in Finnish): [http://julkaisut.valtioneuvosto.fi/bitstream/handle/10024/161465/OMSO\\_2019\\_04\\_Arviomuistio\\_lahestymiskiellon\\_valvonnan\\_tehostamiseksi.pdf?sequence=1&isAllowed=y](http://julkaisut.valtioneuvosto.fi/bitstream/handle/10024/161465/OMSO_2019_04_Arviomuistio_lahestymiskiellon_valvonnan_tehostamiseksi.pdf?sequence=1&isAllowed=y)

25 Criminal Code, Chapter 20, sections 1 and 2. English translation available at <https://www.finlex.fi/fi/laki/kaannokset/1889/en18890039.pdf>

26 Criminal Code, Chapter 20, section 5. English translation available at <https://www.finlex.fi/fi/laki/kaannokset/1889/en18890039.pdf>

27 Amnesty International was a member of the working group and left a dissenting opinion of certain aspects of the proposal. The proposal is available, in Finnish only, at <https://oikeusministerio.fi/-/tyoryhma-raiskauksen-tunnusmerkiksi-vapaaehtoisuuden-puute>. Amnesty's dissenting opinion is available, in Finnish only, at the end of the proposal.

of those reported, only around 30% result in a trial.<sup>28</sup> As a result, most perpetrators are never held to account for their crimes. Additional barriers to justice result from the length of criminal proceedings, the effect of rape myths and gender stereotypes on the interpretation of the law and evidence and a lack of training for professionals involved in the criminal process.<sup>29</sup>

The support service network for victims of sexual violence is inadequate and under-resourced, despite the establishment of Sexual Assault Support Centres. There are currently 6 centres in operation, while the recommended number is 13.<sup>30</sup> The centres provide assistance to victims aged 16 and over but is limited to those whose experience of sexual violence has occurred within the last one month.

## RECOMMENDATIONS

Amnesty International recommends that the Finnish authorities:

- Reform the legal definitions of rape and other sexual crimes so that the central aspect of the crime is the lack of consent assessed in the context of the surrounding circumstances. Ensure that the abuse of a position of authority is considered an aggravating factor in the crime.
- Ensure that training is available regularly and made mandatory for police, prosecutors and judges dealing with sexual crimes.
- Increase the number of Sexual Assault Support Centres and ensure sufficient resources for existing centres to provide comprehensive care and assistance to all victims of sexual violence regardless of when the violence occurred.

## 3.3 FORCED MARRIAGE

Forced marriage is currently not a distinct criminal offence and there are no known convictions for forced marriage cases under the current relevant provisions in the criminal code.<sup>31</sup> Thus the existing legal framework is insufficient to protect victims of this crime and falls short of the requirements under the Istanbul Convention.<sup>32</sup> No comprehensive information on the number of victims of forced marriage is available. The NGO Monika – Multicultural Women’s Association has been reaching out to around 20-30 victims every year, likely a small proportion of actual cases.<sup>33</sup>

The assessment report on the annulment of forced marriages and the recognition of a marriage concluded abroad by a minor (mentioned in paras 150-151 of the State report) was inadequate. According to the proposals, the only legal effect of an annulment (compared to a regular divorce) would be the marital status of the parties, which would revert to ‘unmarried’ (instead of ‘divorced’).

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<sup>28</sup> Amnesty International (2019): “Fighting the Lottery: Overcoming barriers to justice for women rape survivors in Finland”, pp. 14-15, available at: [https://s3-eu-west-1.amazonaws.com/frantic/amnesty-fi/2019/03/19144800/Fighting-the-lottery\\_final.pdf](https://s3-eu-west-1.amazonaws.com/frantic/amnesty-fi/2019/03/19144800/Fighting-the-lottery_final.pdf)

<sup>29</sup> Amnesty International (2019): “Fighting the Lottery: Overcoming barriers to justice for women rape survivors in Finland”, pp. 42-51, available at: [https://s3-eu-west-1.amazonaws.com/frantic/amnesty-fi/2019/03/19144800/Fighting-the-lottery\\_final.pdf](https://s3-eu-west-1.amazonaws.com/frantic/amnesty-fi/2019/03/19144800/Fighting-the-lottery_final.pdf)

<sup>30</sup> The Council of Europe recommends 1 centre per 200,000 women; *Council of Europe, Combating violence against women: minimum standards for support services*, p. 28,

[https://www.coe.int/t/dg2/equality/domesticviolencecampaign/source/eg-vaw-conf\(2007\)study%20rev.en.pdf](https://www.coe.int/t/dg2/equality/domesticviolencecampaign/source/eg-vaw-conf(2007)study%20rev.en.pdf). See also Suvi Nipuli & Katriina Bildjuschkin, *Hoitoketju seksuaalisuutta loukkaavaa väkivaltaa kokeneen auttamiseksi [Chain of care to help victims of sexual violence]*, National Institute for Health and Welfare (THL), 2016, [https://www.julkari.fi/bitstream/handle/10024/130504/URN\\_ISBN\\_978-952-302-625-4.pdf?sequence=1](https://www.julkari.fi/bitstream/handle/10024/130504/URN_ISBN_978-952-302-625-4.pdf?sequence=1), in Finnish, abstract in English. The Committee against torture recommended in its concluding observations on 20.1.2017 that the State of Finland should increase the number of rape crisis centres and ensure a higher rate of reporting; strengthen the support services available to victims of sexual violence and develop a low-threshold service network that also provides long-term support: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G17/010/32/PDF/G1701032.pdf?OpenElement>. See also Amnesty’s submission to the Committee Against Torture, p. 5-6: <https://www.amnesty.org/en/documents/eur20/8716/2018/en/>

<sup>31</sup> The Istanbul convention calls on states to ensure that forced marriage is a criminal offence (art. 37). Also the Council of Europe parliamentary assembly adopted Resolution no. 1468 on forced marriage and child marriage calling the member states to “consider the possibility of dealing with acts of forced marriage as an independent criminal offence, including aiding and abetting the contracting of such a marriage” <http://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=17380&lang=en>

<sup>32</sup> The government maintains that criminal provisions on human trafficking and/or coercion are sufficient to criminalise forced marriage. However human trafficking provisions do not easily apply to typical cases of forced marriage and coercion is a complainant offence meaning the public prosecutor will only press charges if the victim demands punishment for the perpetrator(s). A victim of forced marriage may be unwilling to do so, when the perpetrator(s) are family members. See Hansen, Sams, Jäppinen and Latvala (2016): *Kunniakäsitykset ja väkivalta – selvitys kunniaan liittyvästä väkivallasta ja siihen puuttumisesta Suomessa*. Summary in English. [https://ihmisoikeusliitto.fi/wp-content/uploads/2016/06/Kunniak%C3%A4sitykset-ja-v%C3%A4kivalta\\_B5\\_netiti-002.pdf](https://ihmisoikeusliitto.fi/wp-content/uploads/2016/06/Kunniak%C3%A4sitykset-ja-v%C3%A4kivalta_B5_netiti-002.pdf); Virve Toivonen (2017): *Pakkoavioliittojen esiintyminen ja ilmitulo Suomessa*, Study commissioned by the Ministry of Justice (available in Finnish only). <https://oikeusministerio.fi/documents/1410853/4750802/Avioliittoon+pakottaminen+-+selvitysmuistio+2017+HY.pdf/8b68f4a4-8c0e-43e0-9314-a40af9e4c56f/Avioliittoon+pakottaminen+-+selvitysmuistio+2017+HY.pdf.pdf>

<sup>33</sup> Monika – Multicultural Women’s Association, *Lausunto oikeusministeriölle 2.3. pakkoavioliittojen mitätöinnistä ja ulkomailta alaikäisenä solmituista avioliitoista* (2 March 2020). <https://monikanaiset.fi/lausunnot/lausunto-oikeusministeriölle-2-3-pakkoavioliittojen-mitatoinnista-ja-ulkomailta-alaikaisena-solmituista-avioliitoista/>

Rights and obligations in relation to, for example, the custody of children and the partition of property would be same as those divorcing regardless of the best interests of the party that has been forced into marriage. In addition, the proposed time limit for seeking an annulment is too short: one year after the ceasing of coercion and at the latest five years after the conclusion of the marriage. The proposal concerning the recognition of a marriage concluded abroad by a minor fails to adequately protect child victims, as the high threshold for recognizing marriages would only apply to marriages concluded while at least one party was resident in Finland.

## RECOMMENDATIONS

Amnesty International recommends that the Finnish authorities:

- Ensure the effective criminalization of forced marriage. Enact legislation for the annulment of forced marriage, taking into account the best interests of the person forced into marriage which may vary on a case-by-case basis, and ensure the protection of all victims.

## 3.4 TRAFFICKING IN PERSONS

Victims of trafficking are frequently not identified or referred to the Finnish assistance system for victims of trafficking. Some victims have been deported from Finland without receiving any assistance.<sup>34</sup> The identification of victims is hampered by what appears to be a lack of expertise about trafficking as well as insufficient resources at the municipal level, among the police and in NGOs providing support to victims. Some victims do not wish to enter the official assistance system, as they do not consider that it will provide them with the assistance they need.<sup>35</sup>

Uncertainties about the victim's legal status and conflicts between different legal processes create barriers to accessing support. Identification is done primarily by a preliminary investigation official or by the prosecutor as part of a criminal investigation, and a victim of trafficking can receive support only as long as they cooperate with the investigation. There is an urgent need to decouple assistance from criminal proceedings and for a separate, victim-centered law on identification and assistance.<sup>36</sup> According to the non-discrimination ombudsman the current system cannot identify and support a victim in cases where the prosecutor has not been able to gather sufficient evidence for a criminal case, or the victim is Finnish or if exploitation has occurred in Finland.<sup>37</sup>

Amnesty International is concerned that the Aliens Act currently allows deportations of non-EU citizens if there are reasonable grounds to suspect that a person may sell sexual services.<sup>38</sup> Selling sex is not illegal in Finland. The provision creates barriers for victims to report trafficking to the police, as well as other kind of violence, therefore undermining the identification of and provision of assistance to victims of trafficking.<sup>39</sup>

## RECOMMENDATIONS

Amnesty International recommends that the Finnish authorities:

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<sup>34</sup> Report by the National Rapporteur on Trafficking (in Finnish)

[https://www.syrjinta.fi/documents/10181/36404/nigerialaisseelvitys\\_verkkoon\\_FINAL.pdf/1b136c3b-e80f-4b57-bedc-339f4a12e68b..](https://www.syrjinta.fi/documents/10181/36404/nigerialaisseelvitys_verkkoon_FINAL.pdf/1b136c3b-e80f-4b57-bedc-339f4a12e68b..)

<sup>35</sup> Non-Discrimination Ombudsman and the European Institute for Crime Prevention and Control (2018): *An unknown future: A report on the effectiveness of legislation concerning assistance for victims of human trafficking*, 16.3.2018. Language Finnish, abstract in English [www.heuni.fi/material/attachments/heuni/projects/sY6sAotTr/FINAL\\_Tuntematon\\_tulevaisuus\\_selvitys\\_ihmiskaupan\\_uhrien\\_auttamista\\_koskevasta\\_lai\\_nsaadannosta.pdf](http://www.heuni.fi/material/attachments/heuni/projects/sY6sAotTr/FINAL_Tuntematon_tulevaisuus_selvitys_ihmiskaupan_uhrien_auttamista_koskevasta_lai_nsaadannosta.pdf) Doc No. GRETA(2015)9: *Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Finland*, first evaluation round. Adopted on 15 June 2015 at the 16<sup>th</sup> meeting of the Committee of the Parties, Doc No. THB-CP(2014)RAP16.

<sup>36</sup> Non-Discrimination Ombudsman and the European Institute for Crime Prevention and Control, *Tuntematon tulevaisuus: selvitys ihmiskaupan uhrien auttamista koskevan lainsäädännön toimivuudesta [An unknown future: A report on the effectiveness of legislation concerning assistance for victims of human trafficking]*, 16.3.2018, [www.heuni.fi/material/attachments/heuni/projects/sY6sAotTr/FINAL\\_Tuntematon\\_tulevaisuus\\_selvitys\\_ihmiskaupan\\_uhrien\\_auttamista\\_koskevasta\\_lai\\_nsaadannosta.pdf](http://www.heuni.fi/material/attachments/heuni/projects/sY6sAotTr/FINAL_Tuntematon_tulevaisuus_selvitys_ihmiskaupan_uhrien_auttamista_koskevasta_lai_nsaadannosta.pdf) (in Finnish, abstract in English)

<sup>37</sup> Non-Discrimination Ombudsman, *Annual report 2015*, 15 May 2016, [https://www.syrjinta.fi/documents/14490/0/Englantti\\_YHDENV\\_VUOSIKERTOMUS\\_2016.pdf/153ed14a-b602-457a-aa12-a07e9d372e01\\_Language\\_English](https://www.syrjinta.fi/documents/14490/0/Englantti_YHDENV_VUOSIKERTOMUS_2016.pdf/153ed14a-b602-457a-aa12-a07e9d372e01_Language_English)

<sup>38</sup> Section 148, subsection 1, para 6 of the Aliens Act. Unofficial and partly outdated translation available at <http://www.finlex.fi/fi/laki/kaannokset/2004/en20040301.pdf>. Up-to-date Finnish version available at <https://www.finlex.fi/fi/laki/ajantasa/2004/20040301>.

<sup>39</sup> During the consultation process for Amnesty International's sex work policy in 2014 Amnesty Finland interviewed a wide range of civil society actors as well as sex workers themselves. The discriminatory effects of the current Aliens Act were the most commented issue during the circle of interviews. <https://frantic.s3.amazonaws.com/amnesty-fi/2014/06/Amnestyn-Suomen-osaston-vastaus-kansainvaikuttajien-sihteerist%C3%A4lliselle-sihteerist%C3%B6lle-060602014-FINAL.pdf>.

- Reform the assistance system for victims of trafficking so that participation in the criminal process or a possibility to press charges is not a condition for receiving assistance.
- Repeal para 6 of subsection 1 of section 148 of the Aliens Act, which allows deportations of non-EU citizens if there are reasonable grounds to suspect that a person may sell sexual services.

# 4. USE OF FORCE BY LAW ENFORCEMENT OFFICIALS (ARTICLES 6 AND 7, QUESTION 12)

Amnesty International remains concerned about the increase in the use of force by the police,<sup>40</sup> including frequent use of projectile electric shock devices (Tasers) and other less-lethal weapons. During 2019 at least three people died after police used force on them. In two of the cases, a Taser was used. A case where a police officer was convicted of excessive use of force after using Taser in 2015, was upheld by the Supreme Court.<sup>41</sup> In October 2019, during a demonstration against the Turkish military operation, according to eyewitnesses, police used a Taser against a person lying in front of a police car.<sup>42</sup> Police used a Taser on an intoxicated woman in August 2018 and the officer was convicted in the district court of violation of official duties because using a Taser was not justified in the situation.<sup>43</sup>

In August 2016, the Deputy Parliamentary Ombudsman issued a decision recommending that the supervision of electro-stun device use should be strengthened, and the level of instruction provided to officers increased.<sup>44</sup> In 2013, the Parliamentary Ombudsman had issued a decision concerning the use of the devices in prisons, urging more precise regulation on use of force and clearer instructions to be issued by the Criminal Sanctions Agency.<sup>45</sup> In 2018 the National Police Board prepared an internal guideline for the police on the use of Tasers. Such an internal document cannot be accessed or reviewed for example by civil society organisations nor can they monitor its implementation.<sup>46</sup>

## RECOMMENDATIONS

Amnesty International recommends that the Finnish authorities:

- Publish information and statistics on how Tasers are being used, to allow public oversight. Even though deaths that originate from the use of a Taser are relatively rare, adverse effects, like cardiac arrest, are an ever-present risk. Tasers should only be used with great caution, in situations where lesser alternatives are unavailable.
- Urgently put in place measures to ensure that Tasers are only used in situations involving a threat to life or of serious injury where no less harmful alternatives are available.

<sup>40</sup> The use of force by the police has increased since the year 2000 resulting in at least nine deaths following police firearm use, three deaths in 2015 and three in 2019. According to National Police Board statistics, 5,700 use of force situations were documented in 2015. Article by Sunnuntaisuusmalainen, 9.10.2016 (in Finnish): <http://www.ksml.fi/teemat/sunnuntaisuusmalainen/lhmisoikeusj%C3%A4rjest%C3%B6-Poliisin-voimakeinojen-k%C3%A4ytt%C3%B6-j%C3%A4%C3%A4-pimentoon/851162>. A study by the Police Academy from 2018, shows that during 2016-2017, 7,1% of targeted persons suffered personal injuries after the use of electroshock weapons and one died. The study established increasing police use of electroshock weapons, with most personal injuries caused by the use of physical force or electroshock weapons.

[https://www.theseus.fi/bitstream/handle/10024/141674/ON\\_Kimpimaki\\_Nea\\_ja\\_Kimpimaki\\_Niko.pdf?sequence=1&isAllowed=y](https://www.theseus.fi/bitstream/handle/10024/141674/ON_Kimpimaki_Nea_ja_Kimpimaki_Niko.pdf?sequence=1&isAllowed=y)

<sup>41</sup> <https://korkeinoikeus.fi/fi/index/ennakkopaatokset/precedent/1581515161227.html>, KKO 2020:13

<sup>42</sup> Article by MTV, 21.10.2019 (in Finnish), includes a video: <https://www.mtvuutiset.fi/artikkeli/poliisi-kaytti-etalamautinta-voimankaytto-tallentui-videolle-nain-tilanne-karjistyi-kurdien-mielenosoituksessa-helsingissa/7596368#gs.3gf5my>

<sup>43</sup> Article by Helsingin Sanomat, 13.2.2020 (in Finnish): <https://www.hs.fi/kaupunki/art-2000006406243.html>

<sup>44</sup> The decision eoak 1187/2015 issued 31 August 2016 <http://www.eduskunta.fi/eoaratkaisut/eoak+1187/2015>

<sup>45</sup> The decision eoak 4733/2/09 issued 15 January 2013

<https://www.oikeusasiamies.fi/fi/ratkaisut/-eoar/4733/2009>.

<sup>46</sup> Information given to Amnesty from a supervising authority on 19 December 2019

# 5. DETENTION OF ASYLUM SEEKERS AND MIGRANTS (ARTICLES 7, 9-10 AND 24, QUESTION 18)

Finland continues to detain unaccompanied children and families with children. In 2011, the Government committed to prohibit the detention of children and to seek alternatives to detention,<sup>47</sup> but failed to do so in practice. In 2015, the Government restricted the detention of unaccompanied children under 15 years of age but unaccompanied children over 15 years as well as children of all ages together with their parent(s) can still be detained.<sup>48</sup> In 2015, the detention of unaccompanied children aged between 15 and 17 was restricted to 72 hours once there is an enforceable decision on their removal from Finland. The period of detention can be extended by 72 hours for extraordinary reasons.<sup>49</sup> The Aliens Act also allows for families with children to be held in detention for up to 12 months.<sup>50</sup>

In 2019 families spent an average 16.6 days in detention. The longest period spent in Joutseno Detention Centre – which hosts specific facilities for families – was over 72 days in 2016 and 48 days in 2018.<sup>51</sup> Asylum-seekers in need of special care, such as pregnant women, persons with serious medical conditions, persons suffering from mental illness or trauma related to torture or ill-treatment, and women who have suffered serious violence, are being detained, in particular pending their removal from the country. Convicted criminals facing deportation are sometimes held in the same detention centres as asylum seekers and irregular migrants, including children. Also, the facilities are not always up to human rights standards. In 2018, the Finnish Parliamentary Ombudsman criticized the fact that, unlike other institutions, Detention Centres have a legal right to have video surveillance in shower rooms. There is no clear reason for this.<sup>52</sup> Amnesty International is also concerned that detained persons may be placed in solitary confinement cells or transferred to police holding facilities with no time limit and it is not subject to judicial review.

Legislation passed in 2017 introduced “directed residence” as an alternative to the detention of asylum-seekers and irregular migrants awaiting return. Under this law, authorities can order asylum seekers to live in a specific reception centre and report in up to four times per day. Children aged 15 to 17 can be directed to reside in specific accommodation – with a requirement to report four times a day – for a maximum period of one week, with the possibility of a one-week extension if necessary to ensure the child’s removal from the country. Amnesty International remains concerned that stringent, daily reporting obligations in combination with directed residence severely restrict freedom of movement, hindering for example access to medical care, and in the case of children, also the right to education. There is a lack of transparency and accountability on the use of directed residence as information and statistics are not published.

There is a right to a judicial review within four days of the decision on directed residence and reporting. However, there is no factual legal remedy for directed residence or detention decisions. District Courts consider decisions to place a person in detention or to directed residence, but there is no right to appeal.<sup>53</sup> It is possible to make a complaint<sup>54</sup> or to request the District Court to re-examine the decision to detain a person after two weeks of detention.<sup>55</sup> However, this does not correspond to appealing a decision (where a higher court examines the appeal and gives preliminary rulings thus creating case law). It is questionable whether due process rights are fulfilled. This is particularly important because detention and alternative measures restrict a person’s human rights significantly.

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<sup>47</sup> Programme of Prime Minister Jyrki Katainen’s Government <https://valtioneuvosto.fi/documents/10184/367809/Programme+of+Prime+Minister+Katainen%E2%80%99s+Government/64238eca-58cd-43bb-81dc-963a364a422e/Programme+of+Prime+Minister+Katainen%E2%80%99s+Government.pdf>

<sup>48</sup> Aliens Act, section 122

<sup>49</sup> Aliens Act, section 122

<sup>50</sup> Aliens Act, section 127

<sup>51</sup> Statistics provided on request to Amnesty International as well as information gathered in a visit to Joutseno Detention Centre by another NGO.

<sup>52</sup> The Parliamentary Ombudsman’s report (in Finnish), page 87: <https://www.oikeusasiamies.fi/r/fi/ratkaisut/-/eoar/5145/2018>

<sup>53</sup> Aliens Act, section 129

<sup>54</sup> Administrative Judicial Procedure Act, section 60

<sup>55</sup> Aliens Act, sections 128 and 129

Amnesty International has concerns that District Courts may accept decisions to place a person in detention almost without questioning the reasons for it, which would imply that court proceedings are only a formality.<sup>56</sup>

The authorities fail to provide comprehensive, accurate, up-to-date information in a transparent way on the use of detention and alternatives to detention, making it difficult to assess how they are used. Much of the data concerning detention of asylum seekers and others held solely for immigration purposes is available, on request, through the detention Centres of Helsinki and Joutseno, which host the majority of detained persons. However, numbers provided by different authorities controlling detention centres - police, border guard and immigration service - are not consistent or complete. In particular, police statistics provide insufficient information to understand how detention is used. Their statistics often do not match those provided by other authorities and it is unclear whether someone is being detained several times or being moved to from police facilities.

The new Government Programme<sup>57</sup>, published on 3 June 2019, states that amendments to the Aliens Act will be initiated to lay down provisions on technical monitoring of persons whose asylum applications have been refused, to provide “a less restrictive and more appropriate precautionary measure” as an alternative to detention and directed residence. This would require the use of an electronic monitoring device. Even though this statement is included in the Government Programme, it is unclear whether this change will be carried out in practice. There is also a risk that technical monitoring would become a default measure for all foreigners who have received a negative decision on their asylum or migration-based application.

## RECOMMENDATIONS

Amnesty International recommends that the Finnish authorities:

- End the immigration detention of children, both unaccompanied minors and children detained with their families. Detention can never be in the child’s best interest.
- Utilise alternatives to detention for asylum-seekers in need of special care. Traumatized and other people with special needs should not be detained but given care and support in an environment that does not re-traumatise them.
- Ensure due process rights and a right to appeal detention decisions.
- Provide detailed, up-to-date statistics on the use of detention and alternatives to detention, including the reasons for detaining persons.

# 6. TREATMENT OF ALIENS, INCLUDING REFUGEES AND ASYLUM SEEKERS (ARTICLES 7, 17 AND 24, QUESTIONS 17 (D) AND (E))

Humanitarian protection as a basis for a temporary residence permit was repealed in 2016. The amendment came into force with retroactive effect. Therefore persons, who previously enjoyed humanitarian protection in Finland, did not automatically receive a residence permit when their current permit expired, which may have forced people into irregular migration status. Even though humanitarian protection was not widely used there were still 119 cases in 2015. It was granted to people (often from Iraq or Somalia)

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<sup>56</sup> A news article from 2015 (in Finnish): <https://www.kansanuutiset.fi/artikkeli/3331800-raportti-ulkomaalaisten-sailoonottojen-perusteluissa-pahoja-puutteita>. Similar court practices are also brought to Amnesty International’s attention more recently.

<sup>57</sup> The Government Programme:

[https://julkaisut.valtioneuvosto.fi/bitstream/handle/10024/161664/Inclusive%20and%20competent%20Finland\\_2019\\_WEB.pdf?sequence=4&isAllowed=y](https://julkaisut.valtioneuvosto.fi/bitstream/handle/10024/161664/Inclusive%20and%20competent%20Finland_2019_WEB.pdf?sequence=4&isAllowed=y)

who were in need of protection but did not qualify for refugee status or subsidiary protection<sup>58</sup> The Finnish Immigration Service decided in October 2015 that Baghdad should no longer be considered categorically unsafe, and the then Minister of Interior, Petteri Orpo, estimated that this would lead to increasing numbers of humanitarian protection permits for people fleeing from Baghdad if humanitarian protection was to remain in legislation.<sup>59</sup> Similarly, after the removal of humanitarian protection from the law, Iraqi asylum seekers started receiving an increasing amount of negative decisions on their applications for international protection. The Immigration Service explained that the increasing number of negative decisions on international protection was partly caused by the new position on the security situation in Baghdad and partly by the amendment to the Aliens Act which repealed humanitarian protection.<sup>60</sup> Amnesty International is concerned that the removal of humanitarian protection appears to have had an impact particularly on young unaccompanied asylum seekers.<sup>61</sup>

In 2016, the Parliament amended the Aliens Act, significantly restricting the right to family reunification by extending an income requirement to include those granted international protection.<sup>62</sup> Together with various previous amendments as well as bureaucratic obstacles, family reunification is significantly more difficult to obtain than before 2016, including for unaccompanied children. The Finnish Discrimination Ombudsman recently studied how unaccompanied children's right to family reunification is applied. The Ombudsman discovered that only half of the children who are granted international protection are reunited with their families in Finland and that applications for family reunification are being refused on grounds that are not explicitly laid down in legislation. The Ombudsman stated that children are being punished because of their parents' actions, for example that their parents did not travel with them. According to the Ombudsman, the legislation allows the Immigration Service a lot of discretion which has led to an interpretation that significantly limits fundamental human rights – the right to live together with one's family – even of children who have been granted international protection.<sup>63</sup> Amnesty International is concerned that the best interest of the child is not always a primary consideration in matters related to asylum and migration. In part, this is due to inadequacies in the Aliens Act<sup>64</sup> as demonstrated by the Ombudsman.<sup>65</sup>

The Government committed in its 2019 Programme to repeal the requirement for a secure income as a prerequisite for family reunification of unaccompanied children granted international protection.<sup>66</sup> Amnesty International welcomes this upcoming legislative change but notes that it is insufficient, given what the Discrimination Ombudsman's study reveals about the broad grounds used to refuse family reunification applications, particularly when the sponsor is a child.<sup>67</sup>

## RECOMMENDATIONS

Amnesty International recommends that the Finnish authorities:

- Amend the Aliens Act to allow family reunification without the secure income requirement for all people who have received international protection in Finland.
- Ensure that the best interest of the child is always a primary consideration in decision-making concerning children.

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<sup>58</sup> Statistics of the Finnish Immigration Service at <https://tilastot.migri.fi/#decisions/23330?l=en&start=540&end=551>

<sup>59</sup> Markkanen, K. (2018), isonumero, (in Finnish): <https://www.isonumero.fi/1852-2/>

<sup>60</sup> The Finnish Immigration Service, 2016: [https://migri.fi/artikkeli/-/asset\\_publisher/irakilaisten-turvapaikkapaatokset-kielteisten-osuus-kasvanut?\\_101\\_INSTANCE\\_FVTI5G2Z6RYg\\_languageId=en\\_US](https://migri.fi/artikkeli/-/asset_publisher/irakilaisten-turvapaikkapaatokset-kielteisten-osuus-kasvanut?_101_INSTANCE_FVTI5G2Z6RYg_languageId=en_US)

<sup>61</sup> Kuusisto, A-K., Korjonen-Kuusipuro, K. (2016): Yksin tulleet nuoret hallinnan kohteena: suomalainen yhteiskunta näköalattomuuden vai toivon rakentajana? Pp. 372. (In Finnish): <https://journal.fi/janus/article/view/76480/38329>

<sup>62</sup> Amendments to family reunification requirements in force on 1 July available at: [http://www.intermin.fi/en/current\\_issues/news/1/1/amendments\\_to\\_family\\_reunification\\_criteria\\_in\\_force\\_on\\_1\\_july\\_68566](http://www.intermin.fi/en/current_issues/news/1/1/amendments_to_family_reunification_criteria_in_force_on_1_july_68566). Before these amendments, the requirement that the family reunification sponsor have a secure income applied to all aliens except those given international protection.

<sup>63</sup> The press release from 2.3.2020: <https://www.syrjinta.fi/web/en/-/report-of-the-non-discrimination-ombudsman-the-rights-of-a-child-are-not-realised-in-family-reunification-decisions> and the study (in Finnish):

<https://www.syrjinta.fi/documents/10181/36404/Lapset+ilman+perhett%C3%A4+%E2%80%93Kansainv%C3%A4list%C3%A4+suojelua+saaneiden+alain%C3%A4isten+perheenyst%C3%A4minen/9a5d54b9-82c9-4961-a865-f6037110b2a7> as well as the summary of the study in English: <https://www.syrjinta.fi/documents/14490/0/Children+without+families+%E2%80%93family+reunification+of+under-age+beneficiaries+of+international+protection/8fd8c5c5-ed5c-4a90-aa14-9796459e6291>

<sup>64</sup> Numerous studies have provided evidence that the best interest of the child is not a primary consideration in asylum and migration proceedings in Finland, a concern reflected in the concluding observations of the Committee on the Rights of the Child. See for example Annika Parsons research for the Ombudsperson of the Minorities 2010: The best interest of the child in asylum and refugee procedures in Finland. (Publication 6, 2010, National Rapporteur in Trafficking of Human Beings), [http://ec.europa.eu/justice/news/consulting\\_public/0009/contributions/public\\_authorities/042\\_ombudsman\\_for\\_minorities\\_finland\\_report.pdf](http://ec.europa.eu/justice/news/consulting_public/0009/contributions/public_authorities/042_ombudsman_for_minorities_finland_report.pdf).

<sup>65</sup> Page 4 of the summary: <https://www.syrjinta.fi/documents/14490/0/Children+without+families+%E2%80%93family+reunification+of+under-age+beneficiaries+of+international+protection/8fd8c5c5-ed5c-4a90-aa14-9796459e6291> and pages 18 to 20 of the study: <https://www.syrjinta.fi/documents/10181/36404/Lapset+ilman+perhett%C3%A4+%E2%80%93Kansainv%C3%A4list%C3%A4+suojelua+saaneiden+alain%C3%A4isten+perheenyst%C3%A4minen/9a5d54b9-82c9-4961-a865-f6037110b2a7>

<sup>66</sup> Page 89: [http://julkaisut.valtioneuvosto.fi/bitstream/handle/10024/161935/VN\\_2019\\_33.pdf?sequence=1&isAllowed=y](http://julkaisut.valtioneuvosto.fi/bitstream/handle/10024/161935/VN_2019_33.pdf?sequence=1&isAllowed=y)

<sup>67</sup> <https://www.syrjinta.fi/web/en/-/report-of-the-non-discrimination-ombudsman-the-rights-of-a-child-are-not-realised-in-family-reunification-decisions>

# 7. ACCESS TO JUSTICE FOR ALIENS AND NON-REFOULEMENT (ARTICLES 2, 7, 13, 14 AND 24, QUESTIONS 17 (A) – (C))

Legislation restricting asylum seekers' right to fair and effective asylum determination procedures entered into force in 2016. Restrictions included shortened deadlines for lodging appeals,<sup>68</sup> stricter criteria for appealing to the Supreme Administrative Court,<sup>69</sup> weakened legal aid<sup>70</sup> and lowered remuneration to private legal counsel working with asylum seekers<sup>71,72</sup>

Asylum seekers' rights were even further restricted in June 2019 when the suspensive effect of subsequent applications was limited by amendments to the Aliens Act.<sup>73</sup> New amendments increased the threshold for admissibility of the first subsequent application. The legislation now limits consideration of subsequent applications by the authorities to cases where "well founded grounds" are provided for not having previously presented the arguments for asylum.<sup>74</sup> The risk of refoulement has been increased as currently it is possible to remove the applicant from the country even if a subsequent application is pending. Previously the first subsequent application automatically stopped the implementation of the removal until the application was considered. Now the removal decision can be enforced directly if the authorities consider that the subsequent application is submitted only for the purpose of delaying the return.<sup>75</sup>

Amnesty International is concerned that authorities may unjustifiably assume that a subsequent application is submitted only for the purpose of delaying the return, if the applicant fails to demonstrate strong enough grounds for not presenting the arguments within the first application, since the prevention of misuse of subsequent applications has been identified as the primary target for these amendments and is highlighted even in the press release from the Ministry of Interior.<sup>76</sup> This is alarming as the due process standards in the first instance, especially for the individuals who arrived in Finland during 2015, have regressed as some applicants have received poor legal counsel and had their asylum interviews conducted in a rush.<sup>77</sup> This can easily result in asylum grounds going unnoticed. It will be tested in future, if appealing against these procedural failings will be accepted as "well-founded grounds" for not having previously presented the asylum arguments included in the subsequent application.

In its 2019 Programme, the Government committed to improving the legal protection of asylum seekers by enabling the use of a legal counsel at asylum interviews, re-introducing hourly rates for legal counsels and reinstating the general appeal periods.<sup>78</sup> The Ministry of Justice prepared draft legal changes but the Government has not yet presented the Bill to Parliament. Moreover, the draft

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<sup>68</sup> 21 days in the Administrative Court and 14 days in the Supreme Administrative Court (previously 30 days in both instances).

<sup>69</sup> Previously, the Court could consider appeals to cases pertaining to the Aliens Act that were "important for the application of the Act to other similar cases, or for the sake of consistency in legal practice, to submit the case to the Supreme Administrative Court for a decision or if there is some other weighty reason for giving the leave." The language "some other weighty reason" was changed to "other particularly serious grounds", thus adding a further qualifier for appeals.

<sup>70</sup> Assistance of legal counsel in the first instance, during the personal interview before the Immigration Service, is no longer covered by legal aid unless there are serious grounds for this, or the applicant is under 18 years. The Public Legal Aid Offices determine whether an applicant is in need of legal counsel during the personal interview. Previously, all instances in the asylum determination procedure were covered by legal aid, thus ensuring that many asylum seekers received legal support and counsel during the procedure.

<sup>71</sup> The remuneration to private legal counsels working with asylum seekers has been set to a standard fee.

<sup>72</sup> An independent survey, launched by the Ministry of Interior, on the problems concerning the asylum procedure was published on 27 June 2019 (in Finnish): <https://intermin.fi/documents/1410869/3723692/Turvapaikkaprosessia+koskeva+selvitys+27.6.2019/60bd290f-ffbd-2837-7f82-25fb68fe172c/Turvapaikkaprosessia+koskeva+selvitys+27.6.2019.pdf>

<sup>73</sup> Aliens Act, section 102, subsection 3 and section 103 (4)

<sup>74</sup> [https://intermin.fi/en/article/-/asset\\_publisher/turvapaikanhakijoiden-uusintahakemusten-kasittelyyn-esitetaan-muutoksia](https://intermin.fi/en/article/-/asset_publisher/turvapaikanhakijoiden-uusintahakemusten-kasittelyyn-esitetaan-muutoksia)

<sup>75</sup> Section 102, subsection 3, entered into force on 1 June 2019

<sup>76</sup> Ministry of Interior's press release about the legislative amendments: [https://intermin.fi/artikkeli/-/asset\\_publisher/ulkomaalaislain-muutoksilla-torjuntaan-uusintahakemusten-vaarinkayttoa?\\_101\\_INSTANCE\\_jyFHKc3on2XC\\_languageId=en\\_US](https://intermin.fi/artikkeli/-/asset_publisher/ulkomaalaislain-muutoksilla-torjuntaan-uusintahakemusten-vaarinkayttoa?_101_INSTANCE_jyFHKc3on2XC_languageId=en_US) and the government law drafting proposal (see page 1 Introduction): [https://www.eduskunta.fi/FI/vaski/HallituksenEsitys/Documents/HE\\_273+2018.pdf](https://www.eduskunta.fi/FI/vaski/HallituksenEsitys/Documents/HE_273+2018.pdf)

<sup>77</sup> Government's Analysis, Assessment and Research Activities' study, conducted by Outi Lepola, on asylum seekers as legal aid customers: Turvapaikanhakijat oikeusavun asiakkaina. Kohti yhdenvertaisia ja laadukkaita oikeusapupalveluita.

Valtioneuvoston selvitys- ja tutkimustoiminta, Policy brief 33/2018: <https://tietokayttoon.fi/documents/1927382/2116852/33-2018-Turvapaikanhakijat+oikeusavun+asiakkaina.pdf/36e2f2b3-8320-f8c0-9aca-22e98cdeea4c/33-2018-Turvapaikanhakijat+oikeusavun+asiakkaina.pdf.pdf?version=1.0>

<sup>78</sup> The Government Programme of Prime Minister Sanna Marin's government, page 94:

[http://julkaisut.valtioneuvosto.fi/bitstream/handle/10024/161935/VN\\_2019\\_33.pdf?sequence=1&isAllowed=y](http://julkaisut.valtioneuvosto.fi/bitstream/handle/10024/161935/VN_2019_33.pdf?sequence=1&isAllowed=y)



# 8. COUNTER-TERRORISM MEASURES (ARTICLES 2, 9, 12 AND 14, QUESTION 10)

Finland has recently amended the definitions of ‘terrorist crimes’ in the Criminal Code<sup>84</sup> and new legislation on preventing ‘terrorism’ is being prepared. In January 2020, the Ministry of Justice presented draft legislation criminalising the funding of individual alleged ‘terrorists’.<sup>85</sup> The proposed legislation does not require that the funding would be allocated specifically for ‘terrorist acts’, but any type of financial aid, private or institutional, directed to a person who is considered a ‘terrorist’, would be criminalised. The Parliamentary ombudsman has criticised the draft legislation for extending the criminalisation of the ‘promotion of terrorism’ from what they consider concrete ‘terrorist acts’ or activities of a ‘terrorist group’ to classifying an individual as a ‘terrorist’ on the basis of what the individual has said, or other petty deeds.<sup>86</sup> Amnesty International is concerned that criminalising this type of ancillary offence may be contrary to the principle of legality since criminalising offences that are not easily derived from the principal offence – in this case a violent act against the population – is too far reaching and their illegality can be difficult to identify. Criminalising aiding a person financially can also endanger economic rights.

The oversight of the Finnish Security and Intelligence Service remains a concern for Amnesty International. As of 2019, a new Intelligence Ombudsman and a new Intelligence Oversight Committee within the Parliament supervise the application of intelligence legislation by the Finnish Security and Intelligence Service.<sup>87</sup> However, this supervision covers only intelligence-related work leaving the rest of their activities without effective oversight. The Ministry of the Interior oversees the Intelligence Service and the Parliamentary Ombudsman’s supervision is mainly realised through monitoring the internal supervision and the Service’s own yearly reports of covert intelligence gathering.<sup>88</sup>

## RECOMMENDATIONS

Amnesty International recommends that the Finnish authorities:

- Ensure that criminalising ancillary crimes does not have a disproportionate impact on human rights. The definition of ‘terrorism’ is already in itself open to interpretation and criminalising financial aid to persons that might be considered as ‘terrorists’ – and not connecting funding to the actual or prepared terrorism-related offence – can lead to ambiguous legislation as well as violate a person’s economic rights.
- Guarantee effective oversight of the Finnish Security and Intelligence Service, such as Parliamentary oversight, to ensure that all its actions come under supervision.

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<sup>84</sup> Government proposal HE 30/2018: [https://www.eduskunta.fi/FI/vaski/HallituksenEsitys/Sivut/HE\\_30+2018.aspx](https://www.eduskunta.fi/FI/vaski/HallituksenEsitys/Sivut/HE_30+2018.aspx) (in Finnish and Swedish).

<sup>85</sup> A draft proposal by the Ministry of Justice: [https://api.hankeikkuna.fi/asiakirjat/3b233b5e-85c0-4a4e-92e5-7b92971b252d/21093bf9-2bbc-4251-abac-d27e4719d4a5/LAUSUNTOPYYNTO\\_20200121093839.PDF](https://api.hankeikkuna.fi/asiakirjat/3b233b5e-85c0-4a4e-92e5-7b92971b252d/21093bf9-2bbc-4251-abac-d27e4719d4a5/LAUSUNTOPYYNTO_20200121093839.PDF)

<sup>86</sup> A summary of stakeholder comments to the draft legislation: Terrorismin rahoittamista koskevien säännösten muuttaminen Lausunnotiivistelmä hallituksen esityksen luonnoksesta, page. 15, (in Finnish):

[http://julkaisut.valtioneuvosto.fi/bitstream/handle/10024/162188/OM\\_2020\\_2\\_MI.pdf?sequence=1](http://julkaisut.valtioneuvosto.fi/bitstream/handle/10024/162188/OM_2020_2_MI.pdf?sequence=1)

<sup>87</sup> [https://www.supo.fi/about\\_supo/prime102\\_en.aspx](https://www.supo.fi/about_supo/prime102_en.aspx)

<sup>88</sup> <https://www.oikeusasiamies.fi/en/web/guest/monitoring-of-covert-intelligence>

# 9. COMMUNICATIONS SURVEILLANCE (ARTICLE 17, QUESTION 19)

The government recently adopted legislation on civilian and military intelligence agencies and communications surveillance,<sup>89</sup> which enables the acquisition of information on threats to national security by giving military and civilian intelligence agencies permission to conduct communications surveillance without any requirement for a link to a specific criminal offence. The legislation came into force on 1 June 2019.

The new Finnish Intelligence Ombudsman, founded to monitor the use of surveillance legislation, submitted its first annual report in June 2020.<sup>90</sup> For reasons of confidentiality, it contains little quantitative or qualitative information on the use of surveillance in practice. Civilian and military intelligence can be directed towards a person that is not the source of the actual threat.<sup>91</sup> Using communications surveillance, especially in these cases, should always be the last resort and only when considered indispensable. The Ombudsman mentions that assessment between the use of surveillance and other methods should include the available resources of the authorities and that an alternative method to surveillance should not take a disproportionate amount of resources.<sup>92</sup> Amnesty International remarks that the lack of resources should not prevent the authorities from using methods that are better in line with human rights. The Ombudsman also mentions that even though the subject of surveillance should in principle be notified afterwards,<sup>93</sup> the court may decide that the notification can be postponed or omitted altogether for national security reasons or to ensure the right to life or health.<sup>94</sup> Amnesty International remarks that postponing or omitting to notify the individual subjected to surveillance seriously hampers their due process rights.

According to the Ombudsman, the key issues during the first year have been the level of accuracy and detail in the applications presented to the court for the use of surveillance as well as in the surveillance decisions made by surveillance authorities.<sup>95</sup> Amnesty International is concerned that such lack of detail complicates the public oversight of the use of surveillance. Especially during the first years of implementing the new communications surveillance laws, detailed facts on the use of the legislation and possible problems within its implementation, are essential to assess whether there is a need to improve the legislation.

## RECOMMENDATIONS

Amnesty International recommends that the Finnish authorities:

- Amend the legislation to improve due process rights. If the individual subjected to surveillance is not always notified, there is no possibility to appeal or request damages. Even when the Intelligence Ombudsman oversees the legality of surveillance, it does not abolish the person's right to obtain information on their own case.
- Allow public oversight by presenting more detailed information on the use of communications surveillance.

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<sup>89</sup> Government proposal HE 199/2017 [https://www.eduskunta.fi/FI/vaski/HallituksenEsitys/Sivut/HE\\_199+2017.aspx](https://www.eduskunta.fi/FI/vaski/HallituksenEsitys/Sivut/HE_199+2017.aspx), Government proposal HE 202/2017 [https://www.eduskunta.fi/FI/vaski/HallituksenEsitys/Sivut/HE\\_202+2017.aspx](https://www.eduskunta.fi/FI/vaski/HallituksenEsitys/Sivut/HE_202+2017.aspx), Government proposal HE 203/2017 [https://www.eduskunta.fi/FI/vaski/HallituksenEsitys/Sivut/HE\\_203+2017.aspx](https://www.eduskunta.fi/FI/vaski/HallituksenEsitys/Sivut/HE_203+2017.aspx). The legislation came into force 1.6.2019.

<sup>90</sup> Intelligence Ombudsman's report (in Finnish):

<https://tiedusteluvalvonta.fi/documents/12994206/22784442/Tiedusteluvalvontavaltuutetun+kertomus+vuodelta+2019/60544677-62f2-04f6-1c86-a54e7b66e102/Tiedusteluvalvontavaltuutetun+kertomus+vuodelta+2019.pdf>

<sup>91</sup> Intelligence Ombudsman's report, page 23:

<https://tiedusteluvalvonta.fi/documents/12994206/22784442/Tiedusteluvalvontavaltuutetun+kertomus+vuodelta+2019/60544677-62f2-04f6-1c86-a54e7b66e102/Tiedusteluvalvontavaltuutetun+kertomus+vuodelta+2019.pdf>

<sup>92</sup> Intelligence Ombudsman's Report (in Finnish), page 27:

<https://tiedusteluvalvonta.fi/documents/12994206/22784442/Tiedusteluvalvontavaltuutetun+kertomus+vuodelta+2019/60544677-62f2-04f6-1c86-a54e7b66e102/Tiedusteluvalvontavaltuutetun+kertomus+vuodelta+2019.pdf>

<sup>93</sup> Latest after one year after surveillance was used.

<sup>94</sup> Intelligence Ombudsman's Report (in Finnish), page 37:

<https://tiedusteluvalvonta.fi/documents/12994206/22784442/Tiedusteluvalvontavaltuutetun+kertomus+vuodelta+2019/60544677-62f2-04f6-1c86-a54e7b66e102/Tiedusteluvalvontavaltuutetun+kertomus+vuodelta+2019.pdf>

<sup>95</sup> Intelligence Ombudsman's Report (in Finnish), page 21:

<https://tiedusteluvalvonta.fi/documents/12994206/22784442/Tiedusteluvalvontavaltuutetun+kertomus+vuodelta+2019/60544677-62f2-04f6-1c86-a54e7b66e102/Tiedusteluvalvontavaltuutetun+kertomus+vuodelta+2019.pdf>

# 10. CIVILIAN ALTERNATIVES TO MILITARY SERVICE AND CONSCIENTIOUS OBJECTION (ARTICLE 2, 18 AND 26, QUESTION 20)

The length of the civilian alternative to military service in Finland remains punitive and discriminatory. At present, conscientious objectors are obliged to perform 347 days of civilian service, more than double the shortest period of military service of 165 days. Amnesty International considers this difference in duration to be punitive.

In February 2018, the Helsinki Court of Appeals ruled that legislation exempting Jehovah's witnesses but no other conscientious objectors from military and civilian service is contrary to the prohibition of discrimination guaranteed by the Finnish Constitution.<sup>96</sup> Contrary to recommendation by this Committee, the government did not extend the preferential treatment accorded to Jehovah's Witnesses to other groups of conscientious objectors. Instead, a law removing the exemption for Jehovah's witnesses entered into force in April 2019.<sup>97</sup>

Between February 2018 and April 2019, approximately 90 conscientious objectors were acquitted by courts after having been prosecuted for refusal to perform non-military service.<sup>98</sup> They have since been served with a new service order under the Non-Military Service Act.<sup>99</sup> By the end of April 2020, 31 of them had refused the non-military service for the second time<sup>100</sup> and, contrary to the *ne bis in idem* principle, nine of them were convicted to custodial sentences<sup>101</sup> which, as a general rule, means electronic monitoring in practice.

## RECOMMENDATIONS

Amnesty International recommends that the Finnish authorities:

- Reduce the length of alternative civilian service, in line with internationally recognized standards and recommendations.
- Immediately and unconditionally release all conscientious objectors and abolish any other forms of punishment of conscientious objectors.

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<sup>96</sup> HelHO:2018:4 available in Finnish at

<https://oikeus.fi/hovioikeudet/helsinginhovioikeus/fi/index/hovioikeusratkaisut/hovioikeusratkaisut/1519992936168.html>

<sup>97</sup> 330/2019 available in Finnish at <https://www.finlex.fi/fi/laki/alkup/2019/20190330>

<sup>98</sup> Information received from the Civilian Service Centre on 17 June 2020.

<sup>99</sup> Section 79 of the Non-Military Service Act (1446/2007) reads: "New service order: If a person liable for non-military service against whom a report on an offence has been entered for refusal to perform non-military service or a non-military service offence is not charged with the offences in question or given a prison sentence, the Centre for Non-Military Service must order the person back into service. The time during which he has been detained due to the investigation of the case is then counted as service time in such a way that one day of detention is equivalent to two days of non-military service." Unofficial translation, Ministry of Employment and the Economy, July 2015, [https://www.finlex.fi/en/laki/kaannokset/2007/en20071446\\_20130940.pdf](https://www.finlex.fi/en/laki/kaannokset/2007/en20071446_20130940.pdf) .

<sup>100</sup> Figure received from the Civilian Service Centre on 17 June 2020.

<sup>101</sup> Figure received from the Union of Conscientious Objectors on 16 June 2020.

# 11. INDIGENOUS AND TRIBAL PEOPLES CONVENTION, 1989 (NO. 169), OF THE INTERNATIONAL LABOUR ORGANIZATION (ARTICLE 27, QUESTION 23(C))

Finland signed the Indigenous and Tribal Peoples Convention no. 169 in 1989 but has not yet ratified it. Ratification of the Convention is vital to securing the rights of indigenous Sámi people, including their rights to participation, autonomy and their own languages. At its last review, this Committee recommended ratification in light of its concerns over Sámi rights to land and resources, participation in decisions that affect their rights, and the failure to accommodate their lifestyle. Ratification of the Convention has been in the Government Programme of several previous governments.<sup>102</sup> The Government Programme of Prime Minister Sanna Marin (Dec 2019) includes a commitment to “examine the possible ratification of the ILO Convention No. 169”.<sup>103</sup>

## RECOMMENDATIONS

Amnesty International recommends that the Finnish authorities:

- Commit to take rapid action to ratify the Indigenous and Tribal Peoples Convention, 1989 (No. 169), of the International Labour Organization.

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<sup>102</sup> However there was no mention of Sámi rights or ratification of the convention in the Government Programme of Prime Minister Juha Sipilä (2015-2019), <https://valtioneuvosto.fi/en/sipila/government-programme>, accessed 3.6.2020.

<sup>103</sup> Government Programme of Prime Minister Sanna Marin, pp. 95, <https://julkaisut.valtioneuvosto.fi/handle/10024/161935>, accessed 3.6.2020.

# 12. THE COVID-19 PANDEMIC

## 12.1 NOTIFICATION ON DEROGATIONS

The COVID-19 pandemic has had a substantial impact on the realization of human rights including significant restrictions on freedom of movement and association.<sup>104</sup> Finland declared a national state of emergency on 16 March that ended on 16 June but chose not to notify any international human rights bodies about derogating from human rights obligations.<sup>105</sup> In April 2020 the Committee urged all states who had declared states of emergencies and taken measures which derogated from their obligations to notify the Secretary General of the same.<sup>106</sup> Amnesty International believes that such notification can ensure that any significant curtailments of human rights are not normalized but are reviewed and assessed by international monitoring bodies.

## 12.2 IMPACT ON VIOLENCE AGAINST WOMEN

According to Statistics Finland, between January and June 2020 there were 4,450 victims of domestic violence which is 12% more than reported in the first six months of 2019. In violent death cases the increase in reports in January-June was 42% and in aggravated assault cases 18%, compared to the same time period in 2019. The increase in intimate partner violence was one third compared to the same time span in 2019. Women made up 76.8 per cent of adult victims of domestic violence. 80% of the victims of intimate partner violence were women.<sup>107</sup>

The data also revealed the number of cases where police had been called to the premises had increased but the number of reported and investigated domestic violence cases had dropped during April-June compared to same period in 2019. According to the National Police Board of Finland, as reported by the Finnish National Broadcasting Company (YLE), the discrepancy may have been caused by delays in reporting and investigation during lock down, but to date no official review has taken place.<sup>108</sup>

In May 2020, 21 non-governmental organisations (NGOs), most of them service providers for survivors and victims of violence against women, published a statement that violence against women and the need for support services had increased during the Covid-19 pandemic.<sup>109</sup> One of the main service providers in Finland for victims of gender-based violence is The Federation of Mother and Child Homes and Shelters (MCHS). According to their statistics in their low threshold services, which include for example chats and walk-in centres in connection with shelters, individual contacts increased 40-48% during spring. In 2019, 91% of the people who turned to MCHS for support were women.<sup>110</sup>

Government negotiations on the 2021 budget are taking place in September 2020. The Ministry of Finance has proposed a 127 million cut in state funding for NGOs in social and health fields amounting to a one third cut in resources. If the Government accepts the proposed cuts, the consequences for the NGOs are devastating and lead to the end of certain forms of support for victims of violence.<sup>111</sup>

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<sup>104</sup> Statement on derogations from the Covenant in connection with the COVID-19 pandemic, CCPR/C/128/2, 30 April 2020, <https://www.ohchr.org/Documents/HRBodies/CCPR/COVIDstatementEN.pdf>

<sup>105</sup> The Government decision, 16.3.2020 (in Finnish): <https://valtioneuvosto.fi/paatokset/paatokset?decisionId=0900908f8068ec10>

<sup>106</sup> Statement on derogations from the Covenant in connection with the COVID-19 pandemic, CCPR/C/128/2, 30 April 2020, <https://www.ohchr.org/Documents/HRBodies/CCPR/COVIDstatementEN.pdf>

<sup>107</sup> Statistics Finland press release (2.6.2020): Women made up 76.8 per cent of adult victims of domestic violence and intimate partner violence [http://tilastokeskus.fi/til/rpk/2019/15/rpk\\_2019\\_15\\_2020-06-02\\_tie\\_001\\_en.html](http://tilastokeskus.fi/til/rpk/2019/15/rpk_2019_15_2020-06-02_tie_001_en.html)

<sup>108</sup> Finnish National Broadcasting Company article revealed the discrepancy hidden in the statistical data and interviewed officials from POLIISIHALITUS because of this. Only available in Finnish: [https://yle.fi/uutiset/3-11492934?fbclid=IwAR178HsByjP-7WWL322idEyljXCc7jsuXEresA-19JMHSjirOUkQJeu\\_RrQ](https://yle.fi/uutiset/3-11492934?fbclid=IwAR178HsByjP-7WWL322idEyljXCc7jsuXEresA-19JMHSjirOUkQJeu_RrQ)

<sup>109</sup> The statement was published in the webpages of Amnesty International Finnish Section, as Amnesty was the initiator and coordinator of the NGO-coalition that signed the statement. Only available in Finnish: <https://www.amnesty.fi/jarjestojen-vetoomus-ministereille-vakivallan-vastaista-tyota-tekevien-jarjestojen-rahoituksen-turvaamiseksi/>

<sup>110</sup> The Mother and Child Homes and Shelters published their statistics and analysis of the consequences of the Covid-19 pandemic in Finland (17.8.2020). Only available in Finnish. <https://ensijaturvakotienliitto.fi/vauvojen-ja-lasten-hyvinvointi-turvattava/>

<sup>111</sup> The budget proposal by the Ministry of Finance is only available in Finnish. The proposed cuts in question are presented in the end the table (in the list number 90): <https://budjetti.vm.fi/indox/sisalto.jsp?year=2021&lang=fi&maindoc=/2021/tae/valtiovarainministerionKanta/valtiovarainministerionKanta.xml&opennode=0:1:239:1073>:

## 12.3 IMPACT ON FAMILY REUNIFICATIONS FOR ALIENS

Due to the Covid-19 pandemic, Finland suspended the reception and the processing of residence permit applications, including family reunification applications, in its embassies from 19 March.<sup>112</sup> Therefore, even though a family reunification application could still be submitted online, the application was not processed because the applicant still needed to visit the embassy to be identified and interviewed.<sup>113</sup> As of 16 June 2020, residence permit applications were again received and processed in embassies, although this was still limited and subject to change if the coronavirus outbreak worsens leading to prolonged periods of stress and uncertainty.<sup>114</sup> Furthermore, even if the embassy proceeds with applications, applicants may be unable to get a visa to travel to the country where the interview is held, due to coronavirus restrictions.

### RECOMMENDATIONS:

Amnesty International recommends that the Finnish authorities:

- The Government of Finland must maintain and reinforce inter-institutional co-ordination in the development and implementation of policies to curb violence against women during the pandemic. Multi-stakeholder processes which involve all relevant actors, including civil society organisations and women's rights organisations, can help the national, regional and local authorities in assessing the realities and needs of victims.
- In the light of the consequences of the outbreak of Covid-19 pandemic, the Government of Finland must increase the financial and human resources allocated to service provision, including services carried out by NGOs.
- Enable wider electronic submission and processing of family reunification applications in order to continue to process these applications during the pandemic.

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<sup>112</sup> The Ministry for Foreign Affairs, press release, 19.3.2020: [https://um.fi/press-releases/-/asset\\_publisher/ued5t2wDmr1C/content/suomi-keskeytt-c3-a4-c3-a4-tavanomaisen-viisumi-ja-oleskelulupahakemusten-vastanoton-ja-k-c3-a4sittelyn](https://um.fi/press-releases/-/asset_publisher/ued5t2wDmr1C/content/suomi-keskeytt-c3-a4-c3-a4-tavanomaisen-viisumi-ja-oleskelulupahakemusten-vastanoton-ja-k-c3-a4sittelyn)

<sup>113</sup> The Finnish Immigration Service, information on the effects of the coronavirus outbreak on customers who are abroad: <https://migri.fi/en/you-are-not-in-finland>

<sup>114</sup> The Ministry for Foreign Affairs, press release, 17.6.2020: [https://finlandabroad.fi/web/ind/current-affairs/-/asset\\_publisher/h5w4iTUJhNne/content/suomi-avaa-rajoitetusti-oleskelulupahakemusten-vastanottoa-edustustoissa/35732?\\_com\\_liferay\\_asset\\_publisher\\_web\\_portlet\\_AssetPublisherPortlet\\_INSTANCE\\_h5w4iTUJhNne\\_assetEntryId=23860480](https://finlandabroad.fi/web/ind/current-affairs/-/asset_publisher/h5w4iTUJhNne/content/suomi-avaa-rajoitetusti-oleskelulupahakemusten-vastanottoa-edustustoissa/35732?_com_liferay_asset_publisher_web_portlet_AssetPublisherPortlet_INSTANCE_h5w4iTUJhNne_assetEntryId=23860480)

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# FINLAND

## SUBMISSION TO THE UNITED NATIONS HUMAN RIGHTS COMMITTEE 130<sup>TH</sup> SESSION, 12 OCTOBER- 6 NOVEMBER 2020

Amnesty International submits this briefing to the United Nations (UN) Human Rights Committee (the Committee) ahead of its examination of the seventh periodic report of Finland at its 130<sup>th</sup> session in October 2020. In particular, the submission provides information on discrimination on the grounds of gender identity and intersex status, violence against women, including forced marriage and human trafficking, use of force by law enforcement officials, detention of asylum seekers and migrants, treatment of aliens, access to justice for aliens and non-refoulement, counter-terrorism, communications surveillance, conscientious objectors and Indigenous peoples.